

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

|                                 |   |                                |
|---------------------------------|---|--------------------------------|
| MANUEL BAEZ, ,                  | ) |                                |
|                                 | ) |                                |
| Plaintiff                       | ) | Case No. 1:20-cv-0148 (Erie)   |
|                                 | ) |                                |
| vs.                             | ) |                                |
|                                 | ) | HON. RICHARD A. LANZILLO       |
| C/O FROELICH, C/O ROSENBERG,    | ) | UNITED STATES MAGISTRATE JUDGE |
| SGT. WATTSON, LT. DUBE,         | ) |                                |
| LT. BEDNORO, MS. LUCAS,         | ) |                                |
| PATRICIA THOMPSON, EARL JONES,  | ) | ORDER ON PLAINTIFF'S MOTION    |
| BRYAN E. FLINCHBAUGH, M. CLARK, | ) | FOR JUDGMENT AS A MATTER OF    |
| DORINA VARNER,                  | ) | LAW                            |
|                                 | ) |                                |
| Defendants                      | ) | ECF NO. 74                     |
|                                 | ) |                                |

Plaintiff Manuel Baez (“Baez”) has filed a Motion for Judgment as a Matter of Law in which he purports to provide the Court with “undisputable evidence of my claims, with caselaw.” ECF No. 74, p. 1. Baez provides the Court with citations to and summaries of numerous decisions from around the country and attaches certain mental health records and portions of the Pennsylvania Department of Corrections’ Access to Health Care Procedures Manual. *See* ECF No. 74-1, generally.

In effect, Baez’ motion reargues the Eighth Amendment claim against Defendant Froehlich relating to providing Baez with razors and encouraging him to commit suicide. *See* ECF No. 8, ¶ 8. The Court has already denied the Defendant’s motion to dismiss this claim and the matter will now proceed to discovery. *See* ECF No. 78, p. 9.

Further, Federal Rule of Civil Procedure 50(a) stipulates that a motion for judgment as a matter of law is only appropriate “if a party has been fully heard on an issue during a jury trial.” Fed. R. Civ. P. 50(a)(1). In as much as the Defendants have yet to file a responsive pleading and the Court is awaiting a decision from Baez on whether he will file an Amended Complaint in light of the

Court's recent order granting, in part, and denying, in part, the Defendants' motion to dismiss, the instant motion is premature.

Therefore, Baez' motion for judgment on the pleadings is DENIED.

Entered and Ordered this 27<sup>th</sup> day of September, 2021.



HON. RICHARD A. LANZILLO  
United States Magistrate Judge